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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,948	11/08/2001	John Patrick Wong	NC25921	8448

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EXAMINER

CHIANG, JACK

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

1039948

Applicant(s)

Wong et al.

Examiner

J. Chiang

Group Art Unit

2642

#5

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 11-08-01
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-16 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-16 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ ☐ Interview Summary, PTO-413
- ☒ Notice of References Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other _____

Office Action Summary

CLAIMS

Objection

1. Claim 9 is objected to under 37 USC 1.175 because in claim 9, last line, "part" should be "port".

In claim 12, what does "LCM" mean?

Art Rejection

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 5, 6, 9-12, 16, are rejected under 35 U.S.C. 102(e) as being anticipated by Collin (US 6148080).

Regarding claim 1, Collin shows a hands-free speakerphone (col. 1, lines 8-17) comprising:

A speaker element (3);

A housing (19 in fig. 4b);

At least one anti-sealing speaker port (i.e. 26) formed in the housing (19) to permit sound generated by the speaker element (3) to passed therethrough.

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Regarding claim 13, Collin shows a hands-free speakerphone (col. 1, lines 8-17) comprising:

A housing (19) having first housing part (front face 12) and a second housing portion (back face which is opposite to 12),

A speaker element (3);

At least one anti-sealing speaker port (i.e. 24 or 26) formed on a curved surface (side walls) of the housing (19), the curved surface of the housing possessing sufficient curvature to avoid a seal being formed between the speakerphone and the ear of a user;

Sound produced by the speaker element (3) reaches the at least one speaker port (i.e. 24 or 26) substantially indirectly.

Regarding claims 2, 5, 6, 9-12, 16, Collin shows:

The housing (19) having a curved outer surface (side walls) surrounding the at least one speaker port (see 24), curvature reduces the risk of sealing being formed between the speakerphone and the ear of a user;

A plurality of speaker ports in spaced relationship (24, 26);

The sound produced by the speaker (3) must be reflected off at least one interior surface (i.e. 22) to reach the speaker port (24, 26);

An integral acoustic element (22, channels for 24, 26);

The LCD (14) which reflects some sounds because it is closed mounted to the speaker (3).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-4, 7-8, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collin in view of Fig. 1 (prior art of the present application).

Regarding claims 3-4, 7-8, 14-15, Collin shows the speaker ports which are on the side walls (col. 2, lines 55-65), and the front and back portions.

Collin differs from the claimed invention in that it does not explicitly show a parting line between the front and back portions.


However, it is notorious well known that the front and back portions of the phone usually are detachable, and the parting line is the line formed between the front and back portions. This is shown by Fig. 1 of the present application, such as the parting line 125 in Fig. 1.

Therefore, if it is found that Collin has no parting line, then it would have been obvious for one skilled in the art to apply Collin's phone design in the phones shown by Fig. 1, because conventional phones usually have detachable front and back portions which forms the parting line. And according the positions of Collin's speaker ports (24, 26), these speaker ports are located proximate to the parting line or formed on an inner surface of the parting line.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 703-305-4728. The examiner can normally be reached on Mon.-Fri. from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jack Chiang
Primary Examiner
Art Unit 2642